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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOAQUIN GALLARDO-ANGUIANO, et al.,

Defendant.

Case No. CR09-5514RJB

ORDER REGARDING
DEPOSITIONS

This matter comes before the court on the plaintiff's Motion for Rule 15 Deposition of Material Witnesses (Dkt. 86), and on defendant Joel Anguiano's Motion for Predeposition Discovery (Dkt. 90). The court is familiar with the records and files herein and documents filed in support of and in opposition to the motions.

It appears from the record that material witnesses Pedro Aguilar Martinez and Julio Chavez Villa are illegal aliens and will be deported upon their release from material witness warrant incarceration. It further appears that under the guidance of Federal Rule of Criminal Procedure 15 and 18 U.S.C. § 3144, extraordinary and exceptional circumstances exist and that, in the interests of justice, their pretrial preservation depositions should be taken.

1 It further appears that all appropriate pretrial discovery should be provided to defense
2 counsel before the depositions so that all defense counsel can adequately prepare for these
3 depositions. It also appears to the court that the depositions should be videotaped so that the
4 demeanor of the deponent can be observed by the jury. Therefore, it is now

5 ORDERED that plaintiff's Motion for Rule 15 Deposition of Material Witnesses (Dkt. 86) is
6 GRANTED. It is further

7 ORDERED that the deposition of witness Pedro Aguilar Martinez and Julio Chavez Villa
8 should be by video deposition and should be scheduled for January 8, 2010 at the United States
9 Courthouse in Tacoma, Washington. It is further

10 ORDERED that the United States Marshal Service shall transport all named defendants and
11 witnesses Pedro Aguilar Martinez and Julio Chavez Villa to the United States Courthouse in
12 Tacoma, WA for the depositions and shall provide appropriate security during the deposition. It is
13 further

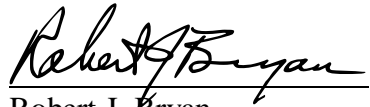
14 ORDERED that the undersigned will be available on the date of the depositions should any
15 issues arise requiring judicial intervention. It is further

16 ORDERED that defendant Joel Anguiano's Motion for Predeposition Discovery is
17 GRANTED and plaintiff should provide all defense counsel all materials to which defendants would
18 be entitled at the time of trial, including but not limited to those items listed in the Motion for
19 Predeposition Discovery (Dkt. 90). It is further

20 ORDERED that this order is not intended to prejudice any questions of the admissibility of
21 said depositions at trial.

22 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of
23 record and to any party appearing *pro se* at said party's last known address.

1 DATED this 18th day of December, 2009.

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4 Robert J. Bryan
5 United States District Judge
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